



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/631,424 08/03/00 HICKMAN

P NEO1P025 A

EXAMINER

WM02/0103

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PALO ALTO CA 94303-0746

PATEL, A

ART UNIT

PAPER NUMBER

2662

DATE MAILED:

01/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/631,424

Applicant(s)

P. HICKMAN

Examiner

AJIT PATEL

Group Art Unit
2662



☒ Responsive to communication(s) filed on Aug 3, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2662

1. Applicant is requested to provide the status of the related co-pending application recited on page 1 of the specification.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 08/847,921. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one skilled in the art to delete the feature that the applicant does not consider to be critical to their invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wise et al.

Wise et al disclose the computer document audio access and conversion system which allows a user to access information originally formatted for audio/visual interfacing on a computer network via a simple telephone comprising an access system (100 of fig.1) coupled to a TCP/IP network (15 of fig. 1), the TCP/IP network comprising a plurality of nodes, the TCP/IP network providing access to web pages stored on computer systems (18, 19 of fig. 1) coupled to the TCP/IP network, the web pages comprising HTML code that can be transmitted via TCP/IP packets to the access system over the TCP/IP network, the access system being able to receive the TCP/IP packets and to parse HTML code into text and non-text portions (line 66, col. 1 through line 64, col. 2); a telephone system (111 of fig. 1) coupling the telephone to the access system for interactive communication with the access system (100 pf fig. 1); a text-to-speech system (113 of fig. 1) associated with the access system for reading at least some of the text to a user of the telephone; wherein the telephone is a touch-tone telephone (lines 52-55, col. 3), and wherein the access system can be provided with commands in the form of DTMF signals (line 66, col. 1 through line 64, col. 2); a speech recognition system responsive

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to spoken commands from the telephone user and operative to provide operational commands to the access system (lines 49-58, col.2); wherein the access system is responsive to commands from the telephone user for navigating both within a web page and between web pages of the TCP/IP network (250 of fig.2).

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

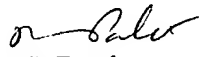
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT PATEL whose telephone number is (703) 308-5347. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HASSAN KIZOU, can be reached on (703) 305-4744. The fax phone number for this Group is (703) 305-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700 .

AJIT PATEL

December 31, 2000


Ajit Patel
Primary Examiner